

### ***SECTION 3 - ADMINISTRATION***

**3-1     *Agent for Subdivision Administration*** (Amended by Board of Supervisors on September 19, 1995).

The agent appointed by the governing body is hereby delegated the authority and power to administer this Ordinance and in so acting the agent shall be considered the agent of the governing body.

**3-2     *Administrative Subdivisions*** (Amended by Board of Supervisors on September 19, 1995.)

A)     The agent may approve subdivisions of up to three (3) lots, including the residue, except in RA, RC, RR-2, GA, MDP, PRD, R-1, R-2, R-3, R-4, TH and V Zoning Districts which are limited to two (2) lots, including the residue, provided that for any of the resulting divisions:

- 1)     No bonding is required.
- 2)     The lots are cumulative for each parcel of record as of May 9, 1968.
- 3)     All necessary requirements of this Ordinance and other County Ordinance are met.
- 4)     The lot drainfield certification plat is approved by the Fauquier County Health Department.
- 5)     The highway entrance is approved by the Virginia Department of Transportation.
- 6)     The right-of-way for Type III private streets providing access and frontage to administrative subdivision lots shall not exceed 1,000 feet in length, exclusive of the turnaround. The Agent may modify this limitation to allow a right-of-way length of up to 5,000 feet upon the submission of a formal modification application containing sufficient justification to allow the Agent to find that the proposed modification is warranted based upon a determination by the Agent that: 1) that properties through which the right-of-way will pass will not be unreasonably affected; 2) that no alternative for providing access is realistically feasible, and 3) that without the modification the 1,000 foot limitation places an unreasonable restriction on the use of the property.
- (7)     When the residue can no longer be divided under this provision or otherwise, a note to that effect shall be contained on the plat.

(Amended by the Board of Supervisors July 15, 2002.)

- B)     Subdivision plats qualifying under 3-1A of this Ordinance shall be submitted to the Office of Community Development. Upon determination that all submission requirements have been met, the Office of Community Development and Zoning

shall notify all adjacent property owners, members of the Planning Commission and members of the Board of Supervisors. Any comments shall be directed to the agent in writing within 15 days of the date notification was sent. If the agent determines the submission requirements have not been met, the application shall be returned to the applicant with a list of deficiencies within 5 days. The agent shall have 5 days to review and notify the applicant of any deficiencies with respect to applicable County Ordinance. Such deficiencies shall be corrected within the 15 day period or a resubmission will be required.

Adjacent shall be defined as contiguous or across the road, not classified as an interstate or major arterial.

### **3-3     *Duties***

The agent shall perform its duties as regards subdivision and subdividing in accordance with this Ordinance and the Virginia Land Subdivision and Development Act.

### **3-4     *Consultations***

In the performance of its duties, the agent may request opinions and/or decisions, either verbal or written, from other departments of the County government, officials and departments of the State of Virginia, and such other qualified persons as may from time to time be retained.

### **3-5     *Procedures and Policy***

In addition to regulations herein contained for the subdivision of land the agent, subject to the approval of the governing body, may from time to time establish reasonable additional administrative procedures and policy requirements as deemed necessary for the proper administration of this Ordinance. Procedures as established shall govern the administration of this Ordinance.

### **3-6     *Dedication for Public Use***

No private or public easement or right-of-way as shown on any plat of subdivision hereafter recorded shall be accepted for dedication for public use until such proposed dedication shall first have been formally approved by the governing body in meeting duly assembled and evidence of such approval shown on the instrument to be recorded. Such approval shall not be given by the governing body until such easement or right-of-way complies with all requirements of the Virginia Department of Transportation and such other requirements as the governing body may impose for public streets, roads, and drainage. Approval of any final subdivision plat shall not be deemed acceptance by the governing body of any street, alley or other public space shown on the plat for maintenance, repair or operation thereof unless acceptance is expressly indicated on the final plat.

### **3-7     *Permits***

All public utility and drainage easements outside the rights-of-way of public streets or accessways are to be shown on the final plats. Where is necessary to place public utilities within the rights-of-way shown for public street purposes a permit shall first be obtained from the

governing body or its agent for subdivision installation. Utility installations to be constructed within public streets or rights-of-way shall be obtained with the street construction plans and profiles as approved by the Virginia Department of Transportation, Resident Engineer for Fauquier County.